

## **REMARKS**

Claims 1, 6-18, 20 and 21 are pending in the Application.

Claims 1 and 6- 21 have been rejected by the Examiner.

### **35 U.S.C. §103**

Claims 1 and 6-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard (U.S. Patent No. 6,430,624) in view of Sull (U.S. Patent Application No. 20020069218). Applicant traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP 706.02(j)*.

According to the Supreme Court, obviousness should be determined by examining (1) the scope and content of the prior art, (2) the differences between the claimed invention and the prior art, and (3) the level of ordinary skill in the prior art. Graham v. John Deere Co., 383 U.S. 1, 17 (February 21, 1966).

Applicant would first like to point out that the Examiner has rejected claim 19, however in a previously filed response, claim 19 was cancelled. As such, the rejection is moot with respect to claim 19.

Applicant respectfully submits that the reliance on Jamtgaard in making the instant rejection is misplaced. As Applicant has previously endeavored to clarify, Jamtgaard is for a process that takes place **after** content has been authored. (See, Jamtgaard generally and specifically, col. 10, line 48 - col. 11, line 3; col. 11, lines 50-61; col. 13, lines 37-64; col. 3, lines 2-8; and col. 5, lines 29-34). Jamtgaard relies on the concept of inferring relationships, which relationships are inferred, at least in part, based on syntactic relationships. Applicant respectfully submits that such "after-the-fact" inference is NOT instructive as to Applicant's claims. As may be seen in Claim 1, the present application is directed to and claims

**a transformation engine for dynamically transforming content** received from the content server in real time ..., the transformation engine performing said transformation according to:  
**intention tags which are in the content and which capture non-presentation properties** of the

content as intended by an author, including indicating relationships between blocks of content to be preserved in the transformed content,

**task tags which are in the content and which indicate blocks of the content which are optional or alternative for user device types, and presentation tags indicating content presentation attributes.**

Hence, the claimed invention is following guidelines from the author of the document as evident **in the content**. In this regard, un-annotated content in the claimed invention will not and cannot be transformed. In stark contrast, in Jamtgaard, un-annotated content is precisely the content that is transformed. The inferential relations of Jamtgaard thus do not format according to what the author wanted, but rather formats based on what is inferred as what the author wanted. The claimed invention is literal and not inferential, and as such the **in the content** phraseology of the present claims indicates that the content directive exists as drafted by the author, and is transformed literally in accordance with the author's directive.

Applicant respectfully asserts that Sull has no bearing on the presently claimed invention and fails to make up for the deficiencies of Jamtgaard. Sull deals with video data, which may also contain audio and other artifacts such as sub-title captions, which is collectively referred to as "multimedia" file or stream. Sull teaches extracting information from video to make it easy to search and navigate. Sull does not offer any insight into the manipulation of a Web page comprising pure text, based on a markup language adhering to a specific well-formed syntax and incorporating metadata inserted intentionally by the content author.

The Examiner asserts that “because knowing that the Sull’s structure teaches the indexing, tagging, editing (Sull, abstract), and capture text information in the file and can be utilizing [sic] for editing (Sull, [0165], [0170]), it would have been obvious to use the scheme of Sull in the device of Jamtgaard for atomic editing in the web page content, prior to the translation server (Jamtgaard, fig. 1, and col. 13, l.38-42). Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of invention.” See Office Action, p. 4. The Examiner’s assertion is misplaced. Sull’s use of the terms “indexing,” “tagging,” “editing,” and “capture test information in the file and can be utilizing [sic] for editing” have a different meaning than that of the presently claimed invention and has no bearing on Web markup for at least the following reasons.

First, Sull’s use of “indexing” refers to finding the places in a stream of video where the camera image transitions from one scene to another scene. See Sull, paragraph 0040. Although Sull discloses that indexing of textual information in the video is also useful, it pertains to indices showing where the sub-titles of a captioned foreign-language movie would appear. See Sull, paragraph 0556.

Second, Sull’s use of “tagging” pertains to a tag as a holder for text which may be embedded in a video or associated with a video. In all cases, Sull’s use of the word “tag” is in the sense of metadata attached to video images, by placing the tag into the video itself or creating an association between the video and tag(s). See, Sull, abstract.

Third, Sull’s use of the term “editing” refers to the manipulation of video, not Web markup. See, Sull, paragraphs 0069 – 0079. Finally, Sull’s use of “capture

text information in the file” is in the context of identifying and copying/storing video/image data. See, Sull generally. Therefore, Sull pertains to video data and the extraction of information from the video to make it easy to search and navigate, which is contrary to the present invention. Thus, Sull fails to provide any teaching or insight into manipulating a Web page comprising pure text, based on a markup language adhering to a specific well-formed syntax and incorporating metadata inserted intentionally by the content author.

Similarly to Jamtgaard, Sull teaches that after multimedia files are created they are tagged for use in storing, indexing, searching, retrieving, editing, and rendering multimedia content over networks. See, paragraphs 0162 – 0163. The tagging occurs after the content has been authored. Additionally, Sull teaches that publisher or author preferences may optionally be maintained by the system content database. See, paragraph 0521. Since Sull is also inferential and teaches tagging that occurs **after** the content is authored, the reference fails to teach the presently claimed invention.

Therefore, Jamtgaard in view of Sull fail to teach each and every element of the claimed invention. Applicant respectfully submits that Claim 1 is distinguishable over the presently cited art, at least for the reasons set forth hereinabove, and the rejection should be removed.

Further, Applicant respectfully submits that each of Claims 6 – 18, and 20 is similarly distinguishable over the presently cited art, at least by virtue of each claims’ ultimate dependency upon a patentable base claim, namely Claim 1.

Applicant respectfully submits that Claim 21 is similarly distinguishable over the presently cited art, for at least the reasons set forth with respect to Claim 1.

## **CONCLUSION**

Wherefore, Applicant believes that all outstanding grounds raised by Examiner have been addressed and respectfully submits that the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, Examiner is cordially invited and requested to contact Applicant's undersigned attorney at the number listed below.

Respectfully Submitted,

**REED SMITH LLP**



---

TAMARA J. YORITA  
Registration No. 53,813  
CARL H. PIERCE  
Registration No. 45,730  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103  
(215) 851-8100  
Attorneys for Applicant